

**IN THE UNITED STATES DISTRICT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

VS.

4:07CR00173-01 GTE

CHARLES H. DAVIS, JR.

ORDER

On June 4, 2008, the Court granted the Government's Motion for Order Direction Defendant to Undergo a Mental Evaluation pursuant to 18 U.S.C. § 4241(a).

The United States Marshal for the Eastern District of Arkansas has advised the Court that Charles H. Davis, Jr. has been designated to FDC Miami for the examination. Accordingly, the United States Marshal is directed to transport Defendant, Charles H. Davis, Jr. to FDC Miami forthwith.¹

Under 18 U.S.C. § 4247(b) and (c), Defendant is committed to the custody of the Attorney General, or his authorized representative, for a period not to exceed thirty (30) days for a psychiatric or psychological examination under 18 U.S.C. § 4241 and for a period not to exceed forty-five (45) days for psychiatric or psychological examination under 18 U.S.C. § 4242. Both time periods exclude any time consumed by transportation.

Based on 18 U.S.C. § 4247(c), the facility conducting the examination will file a report with this Court with copies to Defendant's counsel and the Prosecution.

Eleven (11) days from the date the examination report is received by the Court and the parties, any party who requests a hearing regarding any issues in the report or opposes the report

¹Based on 18 U.S.C. § 3161(h)(1)(H), time consumed by transportation in excess of ten (10) days from today is presumed unreasonable under the Speedy Trial Act.

must file a motion for hearing or a motion in opposition, including a concise statement of opposition to the report and supporting authorities.

If no motions are filed within eleven (11) days, the Court will enter an Order adopting or rejecting the conclusions set forth in the report, and the period of excludable delay will end.²

IT IS FURTHER ORDERED that Defendant Charles H. Davis, Jr. is ORDERED to report to the United States Marshal's Service on July 10, 2008, by 2:00 p.m. for transport to the facility at FDC Miami. If Defendant does not report a warrant for his arrest will be issued.

IT IS FURTHER ORDERED that Defendant's Motion for Continuance of the Trial date, be and it is hereby GRANTED. This matter is rescheduled for a jury trial at 9:15 a.m. on **Monday, December 8, 2008**, in Little Rock, Arkansas. Counsel are to be present thirty minutes prior to trial and are directed to submit simultaneous proposed voir dire questions and jury instructions **on or before December 1, 2008**. Jury instructions should be submitted to the chambers e-mail address, along with a written copy.

IT IS FURTHER ORDERED that the delay occasioned by this continuance shall be excludable under the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

IT IS SO ORDERED this 26th day of June, 2008.

_____/s/Garnett Thomas Eisele_____
UNITED STATES DISTRICT JUDGE

²18 U.S.C. § 3161(h)(1)(A).